

Good Faith and Accession in the New Civil Code

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Abstract : The problem of artificial real accession will be analyzed in this study both in terms of old and current Civil Code provisions and in terms of comparative law, European legal and Canadian systems. The current Civil Code from 2009 has brought new changes about the application and solutions regarding artificial real accession. The hypothesis in which a person is making works with his own materials on the real estate belonging to another person is developed and analyzed in detail from national and international point of view in relation with the good faith. The scope of this analysis is to point out what are the changes issued from case-law and which ones are new, inspired from other law systems in regard to the good/bad faith. The new civil code has promoted a definition for this notion. Is this definition a new one inspired from the comparative law or is it inspired from the case-law? Is it explained for every case scenario of accession or is a general notion? The study tries to respond to these questions and to present the new aspects in the area. has reserved a special place for the situation of execution of works with own materials exceeding the border with violation of another's right of property, where the variety of solutions brings into discussion the case of expropriation for private interest. The new Civil Code is greatly influenced by the Civil Code from Quebec in comparison with the old code of French influence. The civil reform was needed and has brought into attention new solutions inspired from the Canadian system which has mitigated the permanent conflict between the constructor and the immovable owner.

Keywords : accession, good faith, new civil code, comparative law

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